

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

William Kelly

Plaintiff,

v.

Corizon Health, Inc., et al.

Defendants.

Case No: 2:22-cv-10589

District Judge: Terrance G. Berg

Magistrate Judge: David R. Grand

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**DEFENDANTS CORIZON HEALTH, INC.; QUALITY CORRECTIONAL
CARE OF MICHIGAN, P.C.; RICHARD BOHJANEN, M.D.; RAVI YARID,
D.O.; DANIELLE ALFORD, P.A.; JOSHUA KOCHA, P.A.; AND LEILA
GHASEMI, N.P.'S RESPONSE TO PLAINTIFF'S MOTION FOR AN
ORDER OF SUBSTITUTION [ECF NO. 25]**

NOW COME DEFENDANTS CORIZON HEALTH, INC.; QUALITY CORRECTIONAL CARE OF MICHIGAN, P.C.; RICHARD BOHJANEN, M.D.; RAVI YARID, D.O.; DANIELLE ALFORD, P.A.; JOSHUA KOCHA, P.A.; and LEILA GHASEMI, N.P. (hereinafter “Corizon Defendants”), by and through their attorneys, CHAPMAN LAW GROUP, and for their Response to Plaintiff’s Motion for an Order of Substitution state as follows:

1. Defendants deny.

2. Defendants deny.

3. Defendants deny.

4. Defendants deny.

5. Defendants deny.

6. Defendants deny.

7. Defendants deny.

8. Defendants deny.

9. Defendants deny.

10. Fed. R. Civ. P. 25(c) speaks for itself. Defendants deny this allegation to the extent Plaintiff claims substitution under Fed. R. Civ. P. 25(c) is appropriate in this matter.

11. The case law interpreting Fed. R. Civ. P. 25(c) speaks for itself. Defendants deny this allegation to the extent Plaintiff claims substitution under Fed. R. Civ. P. 25(c) is appropriate in this matter.

12. Defendants admit the Court possesses discretion to add successors in interest under Fed. R. Civ. P. 25(c). Defendants deny that the court should invoke such discretion in this matter.

13. Defendants lack sufficient information to admit or deny this allegation at this time, however if a response is required, Defendants deny.

14. Defendants admit. Responding further, Defense Counsel has advised Plaintiff's counsel that the issues presented in his Motion to Substitute extend far beyond the confines of his § 1983 allegations, requiring input from Corizon Corporate Counsel to draft a meaningful response, and requested he stipulate to an extension.

WHEREFORE, Corizon Defendants respectfully request that this Honorable Court DENY Plaintiff's Motion to Substitute and grant such other relief which the Court deems just and equitable.

Respectfully submitted,
CHAPMAN LAW GROUP

Dated: August 17, 2022

/s/ Jonathan C. Lanesky
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BRIEF IN SUPPORT OF DEFENDANTS CORIZON HEALTH, INC.;
QUALITY CORRECTIONAL CARE OF MICHIGAN, P.C.; RICHARD
BOHJANEN, M.D.; RAVI YARID, D.O.; DANIELLE ALFORD, P.A.;
JOSHUA KOCHA, P.A.; AND LEILA GHASEMI, N.P.'S RESPONSE TO
PLAINTIFF'S MOTION FOR AN ORDER OF SUBSTITUTION
[ECF. NO. 25]

PROOF OF SERVICE

TABLE OF CONTENTS

INDEX OF AUTHORITIES	iii
INDEX OF EXHIBITS	iv
STATEMENT OF ISSUES PRESENTED	v
CONTROLLING/APPROPRIATE AUTHORITY	vi
I. STATEMENT OF FACTS.....	1
II. LEGAL ARGUMENT	2
III. CONCLUSION	2

INDEX OF AUTHORITIES

<u>Rules</u>	<u>Page</u>
Fed. R. Civ P. 10(c)	vi
Fed. R. Civ. P. 25(c)	2, 3, vi

INDEX OF EXHIBITS

There are no exhibits included with this brief.

STATEMENT OF ISSUES PRESENTED

WHETHER THE COURT SHOULD GRANT
PLAINTIFF'S MOTION FOR AN ORDER OF
SUBSTITUTION [ECF NO. 25]?

Defendants Answer:	NO.
Plaintiff Answers:	YES.

CONTROLLING/APPROPRIATE AUTHORITY

Pursuant to Fed. R. Civ P. 10(c) “A statement in a pleading may be adopted by reference elsewhere in the same pleading or in any other pleading or motion.”

Fed. R. Civ. P. 25(c) states: “If an interest is transferred, the action may be continued by or against the original party unless the court, on motion, orders the transferee to be substituted in the action or joined party. The motion must be served as provided in Rule 25(a)(3).

I. STATEMENT OF FACTS

This is a civil rights action brought against Corizon Defendants under 42 U.S.C. § 1983 for alleged violations of Plaintiff's Eight Amendment Rights under the United States Constitution. On July 26, 2022, Plaintiff William Kelly filed a Motion for an Order substituting YesCare Corp. ("YesCare") and CHS TX, Inc. ("CHS TX") as party defendants in place of Corizon Health, Inc., and requiring YesCare and CHS TX to assume Corizon Health, Inc.'s duty to indemnify Defendants Bohjanen, Kocha, Alford, Ghasemi, and Yarid, or in the alternative to add YesCare and CHS TX as party Defendants. (**ECF No. 25**).

Plaintiff's Motion to Substitute pertains to Corizon Health, Inc.'s recent corporate restructuring. Plaintiff alleges that Corizon's corporate restructuring may impact Corizon's ability to satisfy a judgment. Otherwise, the issues Plaintiff raises have no relevance to the factual and legal issues relevant to Plaintiff's Complaint.

Corizon Defendants subsequently filed a Motion to Extend (**ECF No. 26**) which this Court granted in part, extending the time to respond to August 17, 2022. Undersigned counsel convened with several individuals within Corizon's corporate structure as well as with Corizon's corporate counsel in that time. YesCare and CHS TX were also made aware of Plaintiff's Motion to Substitute while the issues raised in Plaintiff's Motion to Substitute were investigated. Given that Plaintiff's requested relief would result in Corizon's dismissal and YesCare and CHS TX's substitution

in this matter, YesCare and CHS TX have prepared a Response to Plaintiff's Motion to Substitute. Corizon Defendants incorporate by reference the facts stated in YesCare and CHS TX's Response to Plaintiff's Motion to Substitute for purposes of the instant motion.

II. LEGAL ARGUMENT

Corizon Defendants incorporate by reference and further rely on the arguments raised in YesCare and CHS TX's Response to Plaintiff's Motion to Substitute.

III. CONCLUSION

WHEREFORE, Corizon Defendants respectfully request that this Honorable Court DENY Plaintiff's Motion to Substitute and grant such other relief which the Court deems just and equitable.

Respectfully submitted,
CHAPMAN LAW GROUP

Dated: August 17, 2022

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PROOF OF SERVICE

I hereby certify that on August 17, 2022, I presented the foregoing paper to the Clerk of the Court for filing and uploading to the ECF system, which will send notification of such filing to the attorneys of record listed herein and I hereby certify that I have mailed by US Postal Service the document to the involved non-participants.

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